



BEFORE THE  
GUAM CIVIL SERVICE COMMISSION  
BOARD OF COMMISSIONERS



**IN THE MATTER OF:**

**MARK J. TAISIPIC,**

**Employee,**

**vs.**

**DEPARTMENT OF EDUCATION,**

**Management.**

**ADVERSE ACTION  
APPEAL  
CASE NO.: 15-AA04T**

**DECISION AND  
JUDGMENT**

**INTRODUCTION**

This matter came on to be heard the 4<sup>th</sup> day of May, 2021 for Hearing on the Merits. Present for Department of Education (DOE) was Deputy Superintendent Zenaida Asuncion with her counsel, Jesse Nasis. Also present were Employee, Mark Taisipic with his counsel Jacqueline Taitano Terlaje. Commissioners present were Juan K. Calvo, Chairman; John Smith, Vice Chairman; Commissioner Priscilla T. Tuncap; Commissioner Anthony P. Benavente, and Commissioner Robert C. Taitano.

**DECISION AND JUDGMENT**

*Mark J. Taisipic vs. Department of Education*  
Adverse Action Appeal CSC Case No.: 15-AA04T

1 Employee Taisipic appeals to the Commission his termination from DOE.  
2 Employee was a special education teacher. He was arrested for sexual  
3 misconduct with two minors and his pre-trial release conditions prevented him  
4 from being near children and schools. DOE terminated him because he could  
5 not come to school to do his teaching job.

### 6 JURISDICTION

7 The jurisdiction of the commission is based upon the Organic Act of  
8 Guam, 4 GCA, §4401 *et seq.*

### 9 JUDGMENT OF THE COMMISSION

10 The Commission heard testimony from witnesses and the Employee. The  
11 Chairman opined that Management's burden of proof is that of clear and  
12 convincing evidence because the final Notice of Adverse Action was for his  
13 inability to come to work as the result of his conditions of release from jail. He  
14 was not terminated for conduct which would be a crime. After deliberating,  
15 Commissioners Tuncap, Benavente, and Taitano voted in favor of Management.  
16 The Chairman and Vice Chairman Smith voted in favor of the Employee. In  
17 order to prevail, Management must get a favorable vote from four (4)  
18 Commissioners. Here, Management only got three (3) favorable votes and  
19 therefore the Employee prevails, and the Adverse Action is dismissed.

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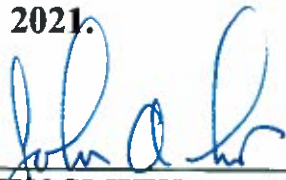
### 22 **DECISION AND JUDGMENT**

23 *Mark J. Taisipic vs. Department of Education*  
24 Adverse Action Appeal CSC Case No.: 15-AA04T

1 The Employee is fully reinstated and is to receive back pay, attorney fees, and  
2 the restoration of benefits.

3 **SO ORDERED** this 20<sup>th</sup> day of May, 2021.

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6 **JUAN K. CALVO**  
Chairman

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6 **JOHN SMITH**  
Vice Chairman

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9 **PRISCILLA T. TUNCAP**  
Commissioner

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9 **EMILIA F. RICE**  
Commissioner

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12 **ANTHONY P. BENAVENTE**  
Commissioner

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12 **ROBERT C. TAITANO**  
Commissioner